

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Kimberly Johnson v. Kentucky Department of Education, et al.

Johnson v. Kentucky Department of Education · No. 3:23-cv-00049-GFVT-MAS · Decided June 12, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Dr. Kimberly Johnson’s motion for a temporary restraining order seeking to prevent the Kentucky Education Professional Standards Board from issuing or enforcing a final professional sanction. The court concluded that Johnson had not satisfied the notice and irreparable-harm requirements of Federal Rule of Civil Procedure 65 and that Younger abstention counseled against federal interference with the ongoing state administrative proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	June 12, 2026
DOCKET	3:23-cv-00049-GFVT-MAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order seeking to prevent the Kentucky Education Professional Standards Board from issuing, entering, enforcing, or implementing a final order or professional sanction while related motions to lift the stay and for a preliminary injunction remained pending.
STANDARD OF REVIEW	Temporary restraining order under Federal Rule of Civil Procedure 65; extraordinary injunctive relief requires a showing of immediate and irreparable harm, and ex parte relief additionally requires compliance with Rule 65(b)(1).
PRECEDENTIAL VALUE	unpublished

PARTIES

Kimberly Johnson v. Kentucky Department of Education, and other defendants

TOPICS

injunctions

civil procedure

administrative law

federalism

constitutional law

PRACTICE AREAS

civil procedure

constitutional law

administrative law

injunctive relief

federalism

QUESTIONS PRESENTED

1. Whether Johnson satisfied Federal Rule of Civil Procedure 65(b)(1) so that the court could issue a temporary restraining order without notice.
2. Whether Younger abstention precluded federal interference with the ongoing Kentucky administrative proceedings.
3. Whether Johnson demonstrated immediate and irreparable harm that could be remedied by a temporary restraining order.

HOLDINGS

1. The court could not issue a temporary restraining order without notice because Johnson did not provide the certification required by Rule 65(b)(1)(B) concerning efforts to give notice and reasons notice should not be required.
2. Younger abstention counseled against federal interference with the ongoing EPSB proceedings because the proceedings were ongoing, implicated important state interests in professional licensure, and provided Johnson an adequate opportunity to raise constitutional claims.
3. Johnson failed to demonstrate immediate and irreparable harm warranting a temporary restraining order, and the requested order would not remedy her alleged injury.

KEY QUOTATIONS

“A temporary restraining order is an extraordinary remedy designed for the limited purpose of preserving the status quo pending further proceedings on the merits.”

“Irreparable harm is the most important prerequisite for injunctive relief.”

FACTUAL BACKGROUND

Johnson, a former Kentucky school counselor, challenged state administrative proceedings concerning the professional conduct of educators and alleged due-process and retaliation claims under federal and state law. The Education Professional Standards Board proceedings remained ongoing, with a recommended order proposing revocation of her counseling and administrator certificates but no action against her teaching certificate; the parties anticipated a final order by July 28, 2026. Johnson sought to prevent the EPSB from issuing or implementing a final order, asserting speculative harm to her career and alleged conflicts of interest.

PROCEDURAL HISTORY

Johnson filed this civil-rights action under 42 U.S.C. § 1983 concerning an ongoing Kentucky administrative proceeding involving her professional licenses. The district court previously denied injunctive relief and stayed the federal action under Younger abstention; the Sixth Circuit dismissed her appeal for lack of jurisdiction. Johnson later moved to lift the stay and sought a temporary restraining order, which the district court denied because she failed to satisfy Rule 65, failed to establish irreparable harm, and sought relief that would not remedy the alleged injury.

DISPOSITION

other

CASES CITED

- Stein v. Thomas, 672 Fed. App'x 565, 572 (6th Cir.)
- Reed v. Cleveland Bd. of Educ., 581 F.2d 570, 573 (6th Cir.)
- Branch Banking and Trust Co. v. Jones, 5:18-cv-610-JMH, 2018 WL 10772684, at *2 (E.D. Ky. Nov. 19, 2018)
- Erard v. Johnson, 905 F. Supp. 2d 782, 791 (E.D. Mich. 2012)
- O'Neill v. Coughlan, 490 F. App'x 733, 737 (6th Cir.)
- Kingsley v. Brundige, 513 F. App'x 492, 493 (6th Cir.)
- Patio Enclosures, Inc. v. Herbst, F. App'x 964, 969 (6th Cir.)
- Pittman v. Cuyahoga Cnty. Dep't of Children and Family Servs., 241 F. App'x 285, 288 (6th Cir.)